



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2510

DATE SCANNED

7/26/12

SCANNER NO.

2

SCAN OPERATOR

EEJ

12092680939



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2012 APR -2 P 5:12
April 2, 2012

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia Carmona *PC*
Chief Compliance Officer

Debbie Chacona *NUI for DC*
Assistant Staff Director
Reports Analysis Division

BY: *JW* Jodi Winship/Saci Pickerall *JP*
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2012 February Monthly Report For
The Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2012 February Monthly Report in accordance with 2 U.S.C. § 434(a). The February Monthly Report was due on February 20, 2012.

The committees listed in the attached RTB Circulation Report filed the report no more than thirty (30) days after the due date (considered a late filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2012 FEBRUARY MONTHLY Not Election Sensitive 02/20/2012 P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2508	C00004879	AMERICAN BUS ASSOCIATION-BUSPAC POLITICAL ACTION COMMITTEE		ERIC BRAENDEL	\$105,717	0	2/27/2012	7	\$17,650	\$145
2510	C00347385	LEVEL 3 COMMUNICATIONS INC. POLITICAL ACTION COMMITTEE		JAMES PRIBYL	\$177,706	0	3/19/2012	28	\$3,461	\$165

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2012)
February Monthly Report for the)
Administrative Fine Program:)
AMERICAN BUS ASSOCIATION-) AF# 2508
BUSPAC POLITICAL ACTION)
COMMITTEE, and ERIC BRAENDEL as)
treasurer;)

LEVEL 3 COMMUNICATIONS INC.) AF# 2510
POLITICAL ACTION COMMITTEE, and)
PRIBYL, JAMES MR. as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 04, 2012 the Commission took the following actions on the Reason To Believe Recommendation - 2012 February Monthly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated April 02, 2012, on the following committees:

AF#2508 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN BUS ASSOCIATION-BUSPAC POLITICAL ACTION COMMITTEE, and ERIC BRAENDEL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2510 Decided by a vote of 6-0 to: (1) find reason to believe that LEVEL 3 COMMUNICATIONS INC. POLITICAL ACTION COMMITTEE, and PRIBYL, JAMES MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmntively fur the decision.

Attest:

April 5, 2012
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 5, 2012

James Pribyl, in official capacity as Treasurer
Level 3 Communications Inc. Political Action Committee
1025 El Dorado Blvd.
Broomfield, CO 80021

C00347385
AF#: 2510

Dear Mr. Pribyl:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a February Monthly Report of Receipts and Disbursements covering the period through January 31st. This report shall be filed no later than February 20th. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on March 19, 2012, twenty-eight (28) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On April 4, 2012, the FEC found that there is reason to believe ("RTB") that Level 3 Communications Inc. Political Action Committee and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before February 20th. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$165. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$165 is due within forty (40) days of the finding, or by May 14, 2012, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$3,461
Number of Days Late: 28
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the

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Commission's RTB finding, or May 14, 2012. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Level 3 Communications Inc. Political Action Committee and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

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If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Caroline C. Hunter
Chair

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$165 for the 2012 February Monthly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by May 14, 2012. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Level 3 Communications Inc. Political Action Committee

FEC ID#: C00347385

AF#: 2510

PAYMENT DUE DATE: May 14, 2012

PAYMENT AMOUNT DUE: \$165

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

COMMISSION
SECRETARIAT

2012 MAY 30 P 1:37

May 30, 2012

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia Carmona *PC*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *W*odi Winship/Sari Pickerall *SP*
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2012 February Monthly Report

Attached is a list of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2012 February Monthly Report. The committees have paid the civil money penalties requested at RTB.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondents that have paid the civil money penalties.

RAD Recommendation

- (1) Make final determination that the political committees and their treasurers listed on the attached report violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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Federal Election Commission
FD Circulation Report Fine Paid
2012 FEBRUARY MONTHLY Not Election Sensitive 02/20/2012 P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2508	AMERICAN BUS ASSOCIATION-BUSPAC POLITICAL ACTION COMMITTEE		C00004679	ERIC BRAENDEL	02/27/2012	7	\$17,650	0	04/04/2012	\$145	\$145	04/23/2012	\$145
2510	LEVEL 3 COMMUNICATIONS INC. POLITICAL ACTION COMMITTEE		C00347385	JAMES PRIBYL	03/19/2012	28	\$3,860	0	04/04/2012	\$185	\$185	05/21/2012	\$185

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program - Final)
Determination Recommendation for the)
2012 February Monthly Report:)
AMERICAN BUS ASSOCIATION-) AF# 2508
BUSPAC POLITICAL ACTION)
COMMITTEE, and ERIC BRAENDEL as)
treasurer;)
LEVEL 3 COMMUNICATIONS INC.) AF# 2510
POLITICAL ACTION COMMITTEE, and)
PRIBYL, JAMES MR. as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on May 31, 2012 the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the 2012 February Monthly Report as recommended in the Reports Analysis Division's Memorandum dated May 30, 2012, on the following committees:

AF#2508 Decided by a vote of 6-0 to: (1) make a final determination that AMERICAN BUS ASSOCIATION-BUSPAC POLITICAL ACTION COMMITTEE, and ERIC BRAENDEL as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2510 Decided by a vote of 6-0 to: (1) make a final determination that LEVEL 3 COMMUNICATIONS INC. POLITICAL ACTION COMMITTEE, and PRIBYL, JAMES MR. as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money

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Federal Election Commission
Certification for Administrative Fines
May 31, 2012

Page 2

penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

June 1, 2012
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 1, 2012

James Pribyl, in official capacity as Treasurer
Level 3 Communications Inc. Political Action Committee
1025 El Dorado Blvd.
Broomfield, CO 80021

C00347385
AF#: 2510

Dear Mr. Pribyl:

On April 4, 2012, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Level 3 Communications Inc. Political Action Committee and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2012 February Monthly Report. By letter dated April 5, 2012, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$165 in accordance with the schedule of penalties at 11 CFR § 111.43.

On May 21, 2012, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on May 31, 2012 that you, in your official capacity as treasurer, and Level 3 Communications Inc. Political Action Committee violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$165 in accordance with 11 CFR § 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Sari Pickerall on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Caroline C. Hunter", with a stylized flourish at the end.

Caroline C. Hunter
Chair

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QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 002 \$ 0000016500 BA# 1 05-21-12 20 4



THIS CHECK IS CLEARED THROUGH POSITIVE PAY

Level 3 Communications, LLC
1025 Eldorado Blvd.
Broomfield, CO 80021

US Bank
Hayes, Montana 59101
24-Hour Branching 1-800-673-3333
53-4557929

No. 3684349

PAY One Hundred Sixty-Five and NO/100 Dollars
TO THE
ORDER OF FEDERAL ELECTION COMMISSION

PO BOX 97968
ST LOUIS, MO 63197-9000
United States

CHECK DATE 17-MAY-12
CHECK NUMBER 3684349
CHECK AMOUNT \$165.00

Sundell

BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK. HOLD AT AN ANGLE TO VIEW.

THIS CHECK IS CLEARED THROUGH POSITIVE PAY

35608926021



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2510

DATE SCANNED

7/26/12

SCANNER NO.

2

SCAN OPERATOR

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